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New York

SUMMARY RECORD OF THE 69th MEETING

Chairman: Mr. VILCHEZ ASHER (Nicaragua)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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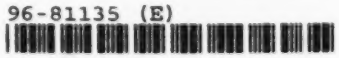

The meeting was called to order at 1.05 p.m.

AGENDA ITEM 116: PROGRAMME BUDGET FOR THE BIENNIUM 1996-1997 (continued)
(A/C.5/50/L.76)

1. The CHAIRMAN invited the Committee to resume its consideration of draft decision A/C.5/50/L.76 in the light of the informal consultations held since the preceding meeting.

2. Ms. INCERA (Costa Rica), speaking on behalf of the Group of 77 and China, said that it had not been possible to reach agreement on the text of the draft decision she had proposed, as the alternative proposals had not met the concerns of the Group of 77.

3. Ms. SHENWICK (United States of America) said that, in the view of her delegation, the text of the draft decision was much too broad; it would prohibit the involuntary separation of a staff member for any reason, including professional misconduct. Such a prohibition would strengthen the claims before the Administrative Tribunal of any staff member contesting separation on grounds of discrimination, and thus result in additional costs for the Organization. She requested the views of the Legal Counsel on the matter.

4. Mr. ZAHID (Morocco) said that no restriction on the powers of the Secretary-General was intended. The purpose of the draft decision was to give the General Assembly sufficient time to consider further the impact of involuntary separations. In order to allay concerns about limitations on the powers of the Secretary-General, the phrase "to defer any action regarding voluntary separation of staff" could be moved to after the reference to the programme budget for the biennium 1996-1997, and the word "any" could be deleted. Consensus would thus be preserved.

5. Mr. KELLY (Ireland), speaking on behalf of the European Union, said that it was his understanding that there was still no consensus on the text of the draft decision. He also understood that the text referred only to those involuntary separations necessary in order to meet savings targets. The proposal made by the representative of Morocco was helpful, but in his view, reference should be made to the report requested in General Assembly resolution 50/230, paragraph 2. The European Union would also like to have the comments of the Office of Legal Affairs on the implications of the draft decision.

6. Ms. INCERA (Costa Rica), speaking on behalf of the Group of 77 and China, said that the decision was not intended to undermine the authority of the Secretary-General, but merely to allow the General Assembly more time to take a decision on the matter. She urged the Committee to adopt the draft decision by consensus.

7. Mr. ZACKLIN (Office of Legal Affairs) said, with regard to draft decision A/C.5/50/L.76, that the question had arisen whether the language of the draft decision was compatible with Article 97 of the Charter regarding the rights and prerogatives of the Secretary-General. Assuming that the draft decision was intended to instruct the Secretary-General to defer action, it would impinge on

the authority of the Secretary-General as the chief administrative officer of the Organization. If that draft decision was adopted, the Legal Counsel would inform the Secretary-General that it was a request by the General Assembly, and that he could decide whether or not to accede to it. The Secretary-General's action would not impinge on the mandate of the Committee or of the General Assembly.

8. Mr. TORTEL (Office of Human Resources Management) said that the redeployment process had begun in May 1996 with a request to programme managers and department heads to identify functions that could be dispensed with or posts that could be frozen. The staff members in such posts had then been reviewed for redeployment by joint advisory panels at the department level. The recommendations of those panels had been reviewed by department heads, and those staff members identified as candidates for redeployment had been invited to apply for vacancies listed in a compendium of posts available for redeployment. The panels could also ask departments to reconsider a case. Thus far, the Secretary-General had reviewed and approved the placement of 8 Professional and 13 General Service staff members. Twenty-two Professional and 15 General Service staff members, for a total of 37, had not yet been placed. The possibility was currently being explored of giving them temporary assignments at Headquarters or in peacekeeping operations.

9. Ms. SHENWICK (United States of America) asked whether the draft decision, if adopted, would preclude the involuntary separation of staff members for disciplinary reasons.

10. Mr. ZACKLIN (Office of Legal Affairs) said that adoption of the draft decision would not prevent the Secretary-General from taking such action.

11. Ms. INCERA (Costa Rica), speaking on behalf of the Group of 77 and China, said that the draft decision referred only to resolution 50/214, part II, paragraph 7.

12. Mr. ZAHID (Morocco) said that he welcomed the opinion of the representative of the Office of Legal Affairs that the draft decision was not at variance with the provisions of the Charter and that the Secretary-General still had the ability to respond to an appeal by the General Assembly to defer any decision on the matter. The main concerns of the Group of 77 regarding the redeployment exercise were that the implementation of mandates and the principle of equitable geographical distribution of posts could be compromised. It appeared that the developing countries could be the most severely affected by involuntary separations. Nevertheless, his delegation hoped that consensus would be possible.

13. A recorded vote was taken on draft decision A/C.5/50/L.76.

In favour: Algeria, Argentina, Bahrain, Barbados, Bolivia, Brazil, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Fiji, Ghana, Guatemala, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Malaysia, Mexico, Morocco, Namibia, Nicaragua,

Nigeria, Pakistan, Panama, Paraguay, Peru, Philippines, Republic of Korea, Samoa, Senegal, Singapore, Solomon Islands, South Africa, Syrian Arab Republic, Tunisia, Uganda, Uruguay, Venezuela, Yemen, Zimbabwe.

Against: Australia, Austria, Belarus, Belgium, Canada, Denmark, Finland, France, Georgia, Germany, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakstan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Spain, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Brunei Darussalam, Turkey.

14. Draft decision A/C.5/50/L.76 was adopted by 55 votes to 31, with 2 abstentions.

15. Mr. KELLY (Ireland), speaking on behalf of the European Union, said that is was regrettable that a recorded vote had been taken on the draft decision. The European Union did not believe that there had been any basis for the draft decision, in the absence of the reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions. It would have been more appropriate to take such a decision after consideration of the further reports requested in paragraph 2 of resolution 50/230, which the European Union would have supported taking up as early as possible in the fifty-first session of the General Assembly. The members of the European Union had voted against the draft decision because they believed it undermined the authority of the Secretary-General as chief administrative officer. They trusted, however, that the vote represented a temporary departure from the tradition of consensus in the Fifth Committee.

16. Mr. TOYA (Japan) said that his delegation also strongly regretted that consensus had not been reached. The General Assembly should support the Secretariat's efforts to achieve savings, but a comprehensive review of the savings reported in document A/C.5/50/57/Add.1 was needed.

17. Ms. PEÑA (Mexico) said that her delegation would have preferred to take a decision by consensus, but differing positions regarding the role of the Secretary-General and the General Assembly remained. The role of the General Assembly in administration of the Organization could not be ignored in the future, and the Assembly should have some voice on the subject of the savings required.

18. Mr. ZAHID (Morocco) said that his delegation had voted in favour of the decision, but the possibility that consensus could be achieved could not yet be excluded. His delegation was certain that the decision did not affect the authority of the Secretary-General; it was only a request put to him in his capacity as chief administrative officer. His delegation had also hoped to avoid prejudging the outcome of the economy measures. It joined other delegations in the hope that the decision would not represent a precedent.

COMPLETION OF THE COMMITTEE'S WORK

19. The CHAIRMAN declared that the Fifth Committee had completed it work for the fiftieth session.

The meeting rose at 1.50 p.m.